

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Case No. 2:17-cv-01996-MMD-CWH

v

Plaintiff,

**ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
CARL W. HOFFMAN, JR.**

CHANDRA PLOUGH,

Defendant.

Before the Court is the Report and Recommendation of United States Magistrate Judge Carl W. Hoffman, Jr. (ECF No. 3) ("R&R") relating to Plaintiff's application to proceed *in forma pauperis* (ECF No. 1). In his order (ECF No. 3) the Magistrate Judge granted the application to proceed *in forma pauperis* and recommended that the case be remanded to state court. Plaintiff had until August 10, 2017, to file an objection. To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a

1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
12 determine whether to adopt Magistrate Judge Hoffman's R&R. Upon reviewing the R&R
13 and filings in this case, this Court finds good cause to adopt the Magistrate Judge's R&R
14 in full.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge Carl W. Hoffman, Jr. (ECF No. 3) is accepted and
17 adopted in its entirety.

18 It is ordered that this case be remanded to state court.

19 It is further ordered that Plaintiff's motion to remand (ECF No. 6) is denied as
20 moot.

21 The Clerk is directed to close this case.

22 DATED THIS 7th day of September 2017.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE